

**EXHIBIT  
B**

**2022-48884**

**COURT:** 269th

**FILED DATE:** 8/10/2022

**CASE TYPE:** Other Injury or Damage



**JOHNSON, JOHN**

Attorney: WOOD, COLIN GERALD ORION

**VS.**

**NOBLE DRILLING (U S) LLC**

**Docket Sheet Entries**

**Date**

**Comment**

NO. 2022-48884

JOHN JOHNSON

VS.

NOBLE DRILLING (U.S.), LLC, ET AL

IN THE 269TH JUDICIAL DISTRICT COURT OF HARRIS COUNTY,  
TEXAS

## AFFIDAVIT OF SERVICE

BEFORE ME, the undersigned authority, Mei Hagood (Process Server), personally appeared and stated under oath as follows:

1. My name is Mei Hagood (server). i am authorized to deliver Texas Legal documents under rule 108 T.R.C.P.. I am over the age of eighteen (18), I am not a party to this case, and have no interest in its outcome. I am in all ways competent to make this affidavit and this affidavit is based on personal knowledge. The facts stated herein are true and correct. My business address is:

107 S West St. Suite 417, Alexandria, VA 22304 (SERVERS ADDRESS)

2. ON 08/29/2022 (DATE) AT 11:46 (A ) M (TIME), CITATION (NON-RESIDENT CORPORATE); PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE came to hand for delivery to NOBLE DRILLING HOLDING LLC (A FOREIGN CORPORATION) BY SERVING ITS REGISTERED AGENT, THE CORPORATION TRUST COMPANY.

3. ON 08/30/2022 (DATE) AT 12:52 (P ) M (TIME) The above named documents were hand delivered to: NOBLE DRILLING HOLDING LLC (A FOREIGN CORPORATION) BY SERVING ITS REGISTERED AGENT, THE CORPORATION TRUST COMPANY by hand delivering to:

Chimere Brookes, Intake Specialist

(NAME AND TITLE) a person authorized to accept service @

1209 Orange St, Wilmington, DE 19801

(ADDRESS), in Person, in accordance to Rule 108 TRCP.

FURTHER AFFIANT SAYETH NOT.

Mei Hagood  
SERVER'S SIGNATURE

Mei Hagood  
SERVER'S PRINTED NAME

SWORN TO AND SUBSCRIBED before me by Mei Hagood (server) appeared on this 7 day of September, 2022 to attest witness my hand and seal of office.

[Signature]  
NOTARY PUBLIC IN AND  
FOR THE STATE OF Delaware  
2022.08.679821



**CAUSE NUMBER: 2022-48884**

**JOHN JOHNSON  
PLAINTIFF**

**VS.**

**IN THE 269TH JUDICIAL DISTRICT  
COURT OF HARRIS COUNTY, TEXAS**

**NOBLE DRILLING (U.S.), LLC, ET AL  
DEFENDANT**

**RETURN OF SERVICE**

My name is **D'ANN WATHEN**. I am over the age of eighteen (18), I am not a party to this case, and have no interest in its outcome. I am in all ways competent to make this affidavit and this affidavit is based on personal knowledge. The facts stated herein are true and correct. My business address is: 1320 QUITMAN ST. STE 100, HOUSTON, HARRIS COUNTY, TX 77009, U.S.A.

**On Friday August 26, 2022 AT 01:48 PM - CITATION, PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE came to hand for service upon NOBLE DRILLING (US) LLC (A DOMESTIC CORPORATION) BY SERVING ITS REGISTERED AGENT, CT CORPORATION SYSTEM.**

**On Thursday September 01, 2022 at 02:19 PM - The above named documents were hand delivered to: NOBLE DRILLING (US) LLC (A DOMESTIC CORPORATION) BY SERVING ITS REGISTERED AGENT, CT CORPORATION SYSTEM @ 1999 BRYAN STREET, SUITE 900, DALLAS, TX 75201, in Person. By delivering to Tierica Williams, designated agent.**

**FURTHER AFFIANT SAYETH NOT.**

STATE OF TEXAS

DECLARATION

"My name is **D'ANN WATHEN**, my date of birth is 12/21/1971 my business address is **1320 QUITMAN STREET, HOUSTON, TX 77009**, and I declare under penalty of perjury that this affidavit is true and correct."

Executed in **Harris County, State of Texas on Friday September 02, 2022**

**/s/D'ANN WATHEN**  
Declarant

**PSC#6602 EXP. 06/30/23**  
Appointed in accordance with State Statutes

2022.08.679818

CAUSE NUMBER: 2022-48884

**JOHN JOHNSON  
PLAINTIFF**

VS.

**IN THE 269TH JUDICIAL DISTRICT  
COURT OF HARRIS COUNTY, TEXAS****NOBLE DRILLING (U.S.), LLC, ET AL  
DEFENDANT****RETURN OF SERVICE**

My name is **D'ANN WATHEN**. I am over the age of eighteen (18), I am not a party to this case, and have no interest in its outcome. I am in all ways competent to make this affidavit and this affidavit is based on personal knowledge. The facts stated herein are true and correct. My business address is: 1320 QUITMAN ST. STE 100, HOUSTON, HARRIS COUNTY, TX 77009, U.S.A.

**On Friday August 26, 2022 AT 01:48 PM - CITATION, PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE** came to hand for service upon **SHELL OIL COMPANY (A DELAWARE COMPANY) BY SERVING ITS REGISTERED AGENT, CT CORPORATION SYSTEM.**

**On Thursday September 01, 2022 at 02:19 PM - The above named documents were hand delivered to: SHELL OIL COMPANY (A DELAWARE COMPANY) BY SERVING ITS REGISTERED AGENT, CT CORPORATION SYSTEM @ 1999 BRYAN STREET, SUITE 900, DALLAS, TX 75201, in Person.** By delivering to Tierica Williams, designated agent.

**FURTHER AFFIANT SAYETH NOT.**

STATE OF TEXAS

DECLARATION

"My name is **D'ANN WATHEN**, my date of birth is 12/21/1971 my business address is **1320 QUITMAN STREET, HOUSTON, TX 77009**, and I declare under penalty of perjury that this affidavit is true and correct."

Executed in **Harris County, State of Texas on Friday September 02, 2022**

**/s/D'ANN WATHEN**  
Declarant

**PSC#6602 EXP. 06/30/23**  
Appointed in accordance with State Statutes

2022.08.679809

**CAUSE NUMBER: 2022-48884**

**JOHN JOHNSON  
PLAINTIFF**

**VS.**

**IN THE 269TH JUDICIAL DISTRICT  
COURT OF HARRIS COUNTY, TEXAS**

**NOBLE DRILLING (U.S.), LLC, ET AL  
DEFENDANT**

**RETURN OF SERVICE**

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**ON Friday August 26, 2022 AT 01:48 PM - CITATION, PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE came to hand for service upon NOBLE DRILLING SERVICES INC (A DOMESTIC CORPORATION) BY SERVING ITS REGISTERED AGENT, CT CORPORATION SYSTEM.**

**On Thursday September 01, 2022 at 02:19 PM - The above named documents were hand delivered to: NOBLE DRILLING SERVICES INC (A DOMESTIC CORPORATION) BY SERVING ITS REGISTERED AGENT, CT CORPORATION SYSTEM @ 1999 BRYAN STREET, SUITE 900, DALLAS, TX 75201, in Person. By delivering to Tierica Williams, designated agent.**

**FURTHER AFFIANT SAYETH NOT.**

STATE OF TEXAS

DECLARATION

"My name is **D'ANN WATHEN**, my date of birth is 12/21/1971 my business address is **1320 QUITMAN STREET, HOUSTON, TX 77009**, and I declare under penalty of perjury that this affidavit is true and correct."

Executed in **Harris County, State of Texas on Friday September 02, 2022**

**/s/D'ANN WATHEN**  
Declarant

**PSC#6602 EXP. 06/30/23**  
Appointed in accordance with State Statutes

2022.08.679815

**CAUSE NUMBER: 2022-48884**

**JOHN JOHNSON  
PLAINTIFF**

**VS.**

**IN THE 269TH JUDICIAL DISTRICT  
COURT OF HARRIS COUNTY, TEXAS**

**NOBLE DRILLING (U.S.), LLC, ET AL  
DEFENDANT**

**RETURN OF SERVICE**

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**ON Friday August 26, 2022 AT 01:48 PM - CITATION CORPORATE, PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE came to hand for service upon NOBLE CORPORATION (A DOMESTIC CORPORATION) BY SERVING ITS REGISTERED AGENT, CT CORPORATION SYSTEM.**

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**FURTHER AFFIANT SAYETH NOT.**

STATE OF TEXAS

DECLARATION

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Executed in **Harris County, State of Texas on Friday September 02, 2022**

**/s/D'ANN WATHEN**  
Declarant

**PSC#6602 EXP. 06/30/23**  
Appointed in accordance with State Statutes

2022.08.679827

**CAUSE NUMBER: 2022-48884****JOHN JOHNSON  
PLAINTIFF****VS.****IN THE 269TH JUDICIAL DISTRICT  
COURT OF HARRIS COUNTY, TEXAS****NOBLE DRILLING (U.S.), LLC, ET AL  
DEFENDANT****RETURN OF SERVICE**

My name is **D'ANN WATHEN**. I am over the age of eighteen (18), I am not a party to this case, and have no interest in its outcome. I am in all ways competent to make this affidavit and this affidavit is based on personal knowledge. The facts stated herein are true and correct. My business address is: 1320 QUITMAN ST. STE 100, HOUSTON, HARRIS COUNTY, TX 77009, U.S.A.

**On Friday August 26, 2022 AT 01:48 PM - CITATION, PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE came to hand for service upon SHELL OFFSHORE, INC. (A DELAWARE COMPANY) BY SERVING ITS REGISTERED AGENT, CT CORPORATION SYSTEM.**

**On Friday September 02, 2022 at 02:19 PM - The above named documents were hand delivered to: SHELL OFFSHORE, INC. (A DELAWARE COMPANY) BY SERVING ITS REGISTERED AGENT, CT CORPORATION SYSTEM @ 1999 BRYAN STREET, SUITE 900, DALLAS, TX 75201, in Person. By delivering to Tierica Williams, designated agent.**

**FURTHER AFFIANT SAYETH NOT.**

STATE OF TEXAS

DECLARATION

**"My name is D'ANN WATHEN, my date of birth is 12/21/1971 my business address is 1320 QUITMAN STREET, HOUSTON, TX 77009, and I declare under penalty of perjury that this affidavit is true and correct."**

**Executed in Harris County, State of Texas on Friday September 02, 2022**

**/s/D'ANN WATHEN**  
Declarant

**PSC#6602 EXP. 06/30/23**  
Appointed in accordance with State Statutes

2022.08.679812

CAUSE NO. \_\_\_\_\_

John Johnson	§	IN THE DISTRICT COURT OF
	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	
	§	
Noble Drilling (U.S.), LLC,	§	HARRIS COUNTY, TEXAS
Noble Drilling Services, Inc.,	§	
Noble Corporation, Noble Drilling	§	
Holding, LLC, Shell Oil Company,	§	
and Shell Offshore Inc.	§	
	§	
<i>Defendants.</i>	§	_____ JUDICIAL DISTRICT

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**PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE**


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Plaintiff John Johnson files this Original Petition and Request for Disclosure complaining of Noble Drilling (U.S.), LLC, Noble Drilling Services, Inc., Noble Corporation, Noble Drilling Holding, LLC, Shell Oil Company, and Shell Offshore Inc. (collectively referred to as "Defendants") and will respectfully show the Court as follows:

### **I. Jurisdiction**

1. This case is filed under the Jones Act (46 U.S.C. § 30104), as well as general maritime law (28 U.S.C. § 1333). The Harris County District Courts have jurisdiction over this matter pursuant to the Saving to Suitors clause (28 U.S.C. § 1333(1)). Further, Plaintiff's damages exceed the minimum jurisdictional limits of this Court.

2. This case is not removable to federal court under the Outer Continental Shelf Lands Act ("OCSLA"). Under prevailing 5<sup>th</sup> Circuit precedent, removal under OCSLA is only permissible where the vessel was "permanently or temporarily attached to the seabed [of the Outer Continental Shelf] ... for the purposes of exploring for, developing, or producing resources therefrom." *See Barker v. Hercules Offshore, Inc.*, 713 F.3d 208, 213 (5th Cir. 2013), citing 43 U.S.C. § 1333.



Further, OCSLA expressly excludes “a ship or vessel” from its scope. 43 U.S.C. § 1333(a)(1)(A)(iv). Here, the vessel in question—the *Noble Globetrotter II* (“*Globetrotter II*”)—was not “permanently or temporarily attached to the seabed [of the OCS.]” *Barker* at 213. More importantly, it is a vessel and therefore expressly excluded from the statute.

## **II. Venue**

3. Venue is proper pursuant to Tex. Civ. Prac. Rem. Code § 15.002(3) because one or more Defendants have a principal place of business located in Harris County.

## **III. Discovery Level**

4. Discovery in this matter may be conducted under Level 2 of the Texas Rules of Civil Procedure.

## **IV. Parties**

5. Plaintiff John Johnson is a Jones Act Seaman who resides in Lafayette, Louisiana. Mr. Johnson was working aboard the *Globetrotter II* when the events giving rise to this petition took place.

6. Defendant Noble Drilling (U.S.) LLC is a domestic company with its principal place of business in Sugar Land, Texas. It may be served with process by and through its registered agent for service: CT CORPORATION SYSTEM, 1999 Bryan St., Ste. 900 Dallas, TX 75201.

7. Defendant Noble Drilling Services, Inc. is a domestic corporation with its principal place of business in Sugar Land, Texas. It may be served with process by and through its registered agent for service: CT CORPORATION SYSTEM, 1999 Bryan St., Ste. 900 Dallas, TX 75201.

8. Defendant Noble Corporation is a domestic corporation with its principal place of business in Sugar Land, Texas. It may be served with process by and through its registered agent for service: CT CORPORATION SYSTEM, 1999 Bryan St., Ste. 900 Dallas, TX 75201.

9. Defendant Noble Drilling Holding, LLC is a foreign corporation with significant ties to the State of Texas. The Court may exercise personal jurisdiction over Defendant Noble Drilling Holding, LLC because it does a substantial amount of business in Texas. Defendant Noble Drilling Holding, LLC has systematic and continued contacts with Texas that justify the exercise of general jurisdiction. Defendant Noble Drilling Holding, LLC is also subject to the specific jurisdiction of this court because its contacts with Texas are directly related to the incident from which Plaintiff's claims arise. This Defendant may be served with process by and through its registered agent for service: The Corporation Trust Company, at 1209 Orange Street, Wilmington, DE 19801.

10. Defendant Shell Oil Company is a Delaware company that has its principal place of business and headquarters in Harris County. It may be served with process by and through its registered agent for service: CT CORPORATION SYSTEM, 1999 Bryan St., Ste. 900 Dallas, TX 75201.

11. Defendant Shell Offshore Inc. is a Delaware corporation that has its principal place of business and headquarters in Harris County. It may be served with process by and through its registered agent for service: CT CORPORATION SYSTEM, 1999 Bryan St., Ste. 900 Dallas, TX 75201.

## **V. Facts**

12. This suit arises out of grossly reckless conduct by Defendants leading up to and during Hurricane Ida—one of the most powerful and damaging hurricanes to ever strike the United States. Hurricane Ida formed in the Gulf of Mexico on or about August 26, 2021, and made landfall in

Port Fourchon, Louisiana on August 29, 2021. During this time, Plaintiff was working aboard the *Globetrotter II*, a vessel owned, operated and/or maintained by Defendants. At all relevant times Plaintiff was a Jones Act Seaman. Although Hurricane Ida made landfall on August 29, 2021, warnings about the storm's gathering strength were issued days in advance. From the time it became a tropical depression on August 26, 2021, the forecast narrowed in on the lower southeast coast of Louisiana as the bullseye for landfall. As projected, Hurricane Ida made landfall in southeast Louisiana near Port Fourchon with sustained winds of 150 miles per hour.

13. At all material times, the *Globetrotter II* was working in the Gulf of Mexico for the benefit, and at the direction of Defendants. In the days leading up to the incident, Hurricane Ida entered the Gulf of Mexico taking aim at the southeast Louisiana shore. No human being should be in the path of a hurricane as powerful as Hurricane Ida. Unfortunately for Plaintiff, neither Shell nor the Noble Defendants cared about the risks posed to Plaintiff. On August 27, 2021, Plaintiff was aboard the drillship *Globetrotter II* in the Gulf of Mexico. Despite the undeniable path of the oncoming storm, Defendants ordered the *Globetrotter II* to continue working at the rig site past the point where it could safely secure the rig and escape the storm.

14. Finally, on August 27, 2021—mere hours before the storm was open them—the *Globetrotter II* unlatched and headed back to port. Defendants' chosen course took the *Globetrotter II* within 10 miles of Hurricane Ida's eyewall. Plaintiff was exposed to 150 mile per hour winds and 80-foot swells. On board, the ferocious sea tossed the crew around and threw them into the floors and ceilings of the vessel. The *Globetrotter II* was swaying side-to-side so severely that the crew was literally walking on the vessel's walls. The tilt was so extreme that the *Globetrotter II* lost two of its eight thrusters and almost capsized as a result. Plaintiff, along with many other crewmembers, believed they were going to die.

15. As a direct result of Defendants' gross negligence and recklessness, Plaintiff sustained bodily injuries and mental anguish. Specifically, Plaintiff suffered physical injuries from the incident, including injuries to his neck, back, shoulders, head, and other parts of his body. Plaintiff also suffered from severe emotional disturbance as a result of Defendants' actions including anxiety, nightmares, night tremors, difficulty in focusing and concentration, sleep disturbance, and more.

#### **VI. Cause of Action – Negligence & Negligence Per Se**

16. Defendants are negligent and negligent per se for the following reasons:

- a. Failure to properly supervise their crew;
- b. Failure to avoid obviously dangerous decisions that put the crew in peril;
- c. Failure to properly train their employees or contractors;
- d. Failure to provide adequate safety equipment;
- e. Failure to provide Plaintiff a safe working environment;
- f. Failure to provide Plaintiff adequate safety from storms and Hurricane;
- g. Failure to timely and effective evacuate the vessel;
- h. Failure to provide adequate medical treatment;
- i. Operating the vessel with an inadequate crew;
- j. Failing to maintain safe mechanisms for work on the vessel;
- k. Failure to maintain, inspect, and/or repair the vessel's equipment;
- l. Operating the vessel in an unsafe and improper manner;
- m. Failure to have the vessel moored in a safe area;
- n. Vicariously liable for their employees' and agents' negligence;

- o. Violating applicable Coast Guard, OSHA, BSEE rules and/or other applicable regulations; and
- p. Other acts deemed negligent.

## **VII. Cause of Action – Unseaworthiness**

17. At all relevant times, the *Globetrotter II* was unseaworthy, which entitles Plaintiff to relief under the doctrine of unseaworthiness and general maritime law.

## **VIII. Actual Damages**

18. As a result of said occurrences, Plaintiff sustained severe injuries to his body, which resulted in physical pain, mental anguish, and other medical problems. Plaintiff has sustained severe pain, physical impairment, discomfort, mental anguish, and distress. In all reasonable probability, Plaintiff's physical pain, physical impairment, and mental anguish will continue indefinitely. Plaintiff has also suffered a loss of earnings in the past, as well as a loss of future earning capacity. Plaintiff has incurred and will incur pharmaceutical and medical expenses in connection with his injuries. Plaintiff seeks punitive damages against Defendants for recklessly ordered the *Globetrotter II* to continue working even as Hurricane Ida bore down on its location, and for arbitrarily and improperly denying maintenance and cure. Plaintiff has been damaged in a sum far in excess of the minimum jurisdictional limits of this Honorable Court, for which they now sue.

## **IX. Punitive Damages**

19. Plaintiff is also entitled to punitive damages because the aforementioned actions of Defendants were grossly negligent. Defendants acted with flagrant and malicious disregard of Plaintiff's health and safety. Defendants were subjectively aware of the extreme risk posed by the

conditions which caused Plaintiff's injuries but did nothing to rectify them. Instead, Defendants had Plaintiff and other crew members continue working despite the dangerous conditions that were posed to them. Defendants did so knowing that the conditions posed dangerous and grave safety concerns. Defendants' acts and omissions involved an extreme degree of risk considering the probability and magnitude of potential harm to Plaintiff. Defendants had actual, subjective awareness of the risk, and consciously disregarded such risk by allowing Plaintiff to work under such dangerous conditions.

#### **X. Jury Demand**

20. Plaintiff demands a trial by jury.

#### **XI. Request for Disclosures**

21. Pursuant to Rule 194 of the Texas Rules of Civil Procedure, Defendants are requested to disclose the information and material described in Rule 194.2 within fifty (50) days of the service of this Plaintiff's Requests for Disclosure to Defendants.

#### **XII. Prayer**

Pursuant to Rule 47 of the Texas Rules of Civil Procedure, Plaintiff seeks monetary relief over \$1,000,000. Additionally, Plaintiff prays that this citation issue and be served upon Defendants in a form and manner prescribed by law, requiring that the Defendants appear and answer, and that upon final hearing, Plaintiff has judgment against Defendants in a total sum in excess of the minimum jurisdictional limits of this Court, plus pre-judgment and post-judgment interests, all costs of Court, and all such other and further relief, to which Plaintiff shows himself justly entitled, including but not limited to:

- a) Past and future medical damages;
- b) Past and future loss of earning capacity;
- c) Past and future pain and suffering and mental anguish;
- d) Past and future impairment;
- e) Past and future disfigurement;
- f) Exemplary damages;
- g) Loss of household services;
- h) Past and future loss of consortium;
- i) Past and future maintenance and cure obligations;
- j) Pre-judgment interest;
- k) Post-judgment interest;
- l) Costs of Court;
- m) Attorney fees; and
- n) All other relief to which Plaintiff is justly entitled, either at law or in equity.

**Respectfully submitted,**

**JASON J. JOY & ASSOCIATES, P.L.L.C.**

/s/ Colin G. Wood

Colin G. Wood

TXBN: 24082535

909 Texas Street, Suite 1801

Houston, TX 77002

Office: (713) 221-6500

Direct: (281) 724-4164

Facsimile: (713) 221-1717

[colin@jasonjoylaw.com](mailto:colin@jasonjoylaw.com)

**ATTORNEY FOR PLAINTIFF JOHN  
JOHNSON**

**Automated Certificate of eService**

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

COLIN WOOD on behalf of Colin Wood

Bar No. 24082535

COLIN@JASONJOYLAW.COM

Envelope ID: 67149053

Status as of 8/10/2022 2:45 PM CST

**Case Contacts**

Name	BarNumber	Email	TimestampSubmitted	Status
JASON JJOY		JASON@JASONJOYLAW.COM	8/10/2022 1:45:40 PM	SENT
Colin JWood		colin@jasonjoylaw.com	8/10/2022 1:45:40 PM	SENT
Kathleen O'Connor		Kathleen@jasonjoylaw.com	8/10/2022 1:45:40 PM	SENT
Alexandre Petit		alex@jasonjoylaw.com	8/10/2022 1:45:40 PM	SENT





I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this September 7, 2022

Certified Document Number: 103434754 Total Pages: 9

Marilyn Burgess, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

**In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail [support@hcdistrictclerk.com](mailto:support@hcdistrictclerk.com)**